IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11471 of 2004

Between:

N. Prema Kumari, W/o Srinivasa Rao,
Lingamgunta, Maddipadu Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the first respondent in the Stay Petition filed by the Petitioner on 1-7-2004 as illegal, void and unsustainable and consequently suspend the proceedings issued by the 2nd respondent in Rc.No.C.335/2004 dated 25-6-2004

Counsel for the Petitioner: MR.A.RAMANARAYANA, Advocate

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order of the second respondent dated 25.06.2004, under which her authorization was suspended on certain alleged irregularities stated to have been reported by the Mandal Revenue Officer, Maddipadu Mandal, Prakasam District. Against the said order, the petitioner filed an appeal before the first respondent - Joint Collector, Prakasam District, Ongole, who is the appellate authority, and also sought for interim stay of the order of suspension. But, however, no orders have been passed by the first respondent so far. Therefore, the petitioner has come up with the present writ petition on the ground that the respondent may discontinue the petitioner from distributing the essential commodities under the guise of the order of the second respondent.

2. The learned counsel contended that the impugned order of suspension passed by the second respondent shows that the allegations are bald allegations without any specific instance of irregularity. Further, the second respondent did not enquire into the matter, but the order was passed basing on the report, which was sent suo moto by the Mandal Revenue Officer, Maddipadu. However, the grievance of the petitioner is that no orders are passed by the first respondent – appellate authority.

3. In view of the pendency of the appeal before the first respondent against the order passed by the second respondent, it would be appropriate to continue the petitioner to distribute the essential commodities, pending disposal of the appeal. The first respondent is further directed to dispose of the appeal expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

4. The writ petition is accordingly disposed of at the admission stage.

07.07.2004

va

To

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.

3 Two CCs to G.P. for Civil Supplies, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies.